

REMARKS

Claims 1 and 3-32 are pending in this application. Claims 3-27 stand allowed and claims 28-31 stand withdrawn. By this Amendment, claim 1 is amended. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. Entry of the amendments is thus respectfully requested.

I. Claim Objections

Claim 1 is objected to due to an informality. Claim 1 is amended in reply to the objection. Accordingly, withdrawal of the objection is respectfully requested.

II. Rejoinder of Withdrawn Claims

Applicants respectfully request rejoinder of withdrawn claims 28-31. The restriction of the claims is based on the allegation that the process of claims 29-31 "as claimed" can be used to make other and materially different products (see MPEP §80605F). Specifically, it is alleged that the process as claimed can be used to make materially different product such as the product of non-erected mounting leads having reduced thicknesses on the base side thereof so as to form mounting terminal at the tips or a product having a plurality of leads having terminals that are not tiered.

However, §806.05(f) specifically recites that to be distinct inventions, the process *as claimed* can be used to make another materially different product. However, as independent claims 28 and 29 describe a method, and the claim recites each and every feature recited in an

apparatus claim being examined in this application, the process as claimed cannot be used to make another and materially different product.

In the event the restriction is maintained, Applicants respectfully request rejoinder of the withdrawn method claims under MPEP §821.04 which recites that where a restriction was required between the product and the process of making and/or using the product, and the product invention was elected and subsequently found allowable, all claims to a non-elected process invention must depend from or otherwise require all of the limitations of an allowable claim for the claims directed to that process invention to be eligible for rejoinder. As withdrawn claims 28 and 29 depend from or otherwise contain all of the features of examined and allowed claim 3, rejoinder of the withdrawn claims is respectfully requested.

III. Claim Rejections Under 35 U.S.C. §102

Claims 1 and 32 are rejected under 35 U.S.C. §102(b) as anticipated by JP 2002-330027 to Koichi as evidenced by U.S. Patent 5,479,051 to Waki et al. (Waki). The rejection is respectfully traversed.

Claims 1 and 32 are not anticipated by Koichi as evidenced by Waki. For example, the applied references fail to disclose a piezoelectric oscillator, comprising a layered lead frame that includes two lead frames; a plurality of leads formed of the two lead frames; and terminals formed on said plurality of leads; said terminals being at least connection terminals to connect with a piezoelectric resonator and mounting terminals to mount to a mounting board; said connection terminals formed on one of said lead frames on one side; said mounting terminals formed on the other of said lead frames on said other side; said connection terminals and said mounting terminals distanced one from another being arrayed in multiple tiers in a direction substantially perpendicular to a main plane of the layered lead frame; said piezoelectric resonator formed by sealing a piezoelectric resonator element within a resonator package being mounted on said connection terminals; an IC forming an oscillating

circuit being mounted on said layered lead frame; and said layered lead frame and said piezoelectric resonator being sealed within said package such that the principal surface of said mounting terminals are exposed outwards, thereby forming a resin package.

It is alleged in the Office Action that the plurality of leads 17A-F, shown in the applied reference, form two lead frames, i.e., a left-hand lead frame and a right-hand lead frame. As the lead frames are on the same plane, they are not layered, as recited in the amended claims. It is further alleged in the Office Action that the connection terminals recited in the claims correspond to the lead 17F. However, under the interpretation provided in the Office Action of the lead frames shown in Koichi, terminal 17F appears on each of the left-hand and the right-hand lead frames. Similarly, the mounting terminal 17A of Koichi are also disposed on each of the two alleged lead frames. Thus, Koichi fails to disclose that the connection terminals are formed on one of the lead frames and the mounting terminals are formed on the other of the lead frames as recited in the rejected claims. Rather, each of the terminal 17A and 17F alleged to correspond to the connection terminals and the mounting terminals are shared or disposed on each of the lead frames and not on one of the lead frames.

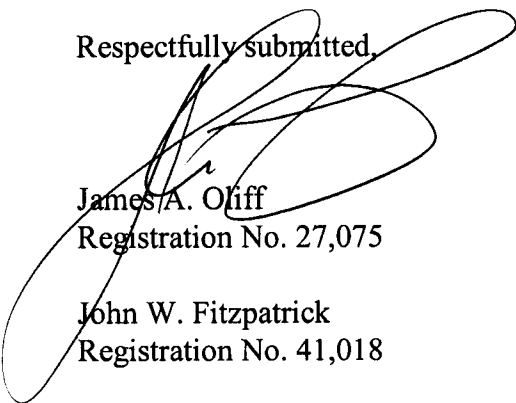
Moreover, the applied reference fails to disclose the layered lead frame that includes two lead frames as recited in the rejected claims as amended. Because the applied references failed to disclose a plurality of leads formed of the two lead frames which make up the layered lead frame, Koichi, as evidenced by Waki cannot anticipate the amended claims. Rather, Koichi specifically recites that the terminal assembly 17 has a "plate like shape." This feature of Koichi is further evidenced and relied upon in the Office Action by the allegation that the plurality of lead frames 17A-F formed two lead frames, i.e., a left-hand and right-hand lead frame. Thus, the left and right-hand lead frames are in such a plate like shape cannot correspond to a layered lead frame as recited in the claims. As the references fails to

disclose each and every feature recited in the rejected claims, withdrawal of the rejection of claims 1 and 32 under 35 U.S.C. §102(b) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of all claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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